

**COMMISSION CONFERENCE****OCTOBER 16, 2001**

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Present: Mayor Naugle  
Commissioners Hutchinson, Katz, Moore, and Smith

Also Present: City Manager, City Attorney, City Clerk and Police Sergeant

**I-A – Venice Partners, Ltd. – Venice Homes Apartment Development Project**

A presentation was scheduled by Venice Partners, Ltd. on the Venice Homes apartment development project. The City Manager stated that the Commission had requested this informational meeting on September 20, 2001. The City Attorney said that the City had been notified of an intent to bring a lawsuit, although the City had not yet been sued. Mayor Naugle asked him to keep the Commission advised.

*Mr. Dennis Mele*, representing Venice Homes, understood an informational presentation was desired, and he had sent a brief outline to the City Clerk of the history of the subject property. He advised that in the early 1970s, the property of Venice Homes and the Tennis Club had all been owned and “master planned” by the same entity. He displayed a map of the area, with 19<sup>th</sup> Street on the south, the New River on the north, the existing Tennis Club property, and the Venice Homes property that was the subject of this discussion.

Mr. Mele advised that the survey showed the Tennis Club property already constructed, and it showed existing underground water mains that had been installed pursuant to an agreement with the City dated 1973 when all the property had been owned by one party. He pointed out that the water main stopped a little short and then looped back into the Tennis Club property to make a loop of the water system as sought by the Fire Department. Mr. Mele pointed out that the existing sewer lines that were installed pursuant to the 1973 agreement with the City, which ran through the Tennis Club property and up into the Venice Homes property. He said his purpose in showing this was that when all the property had been owned by a single entity, a master plan had been developed for water and sewer services. Those lines had been installed, and the concept had been that they would serve both properties. In fact, the looping of the water system demonstrated that specific intent.

Mayor Naugle asked if the sewers had been installed privately or by the City. Mr. Mele replied that they had been installed privately, but they had been installed pursuant to plans and permits issued by the City. Mayor Naugle understood they were private lines. Commissioner Smith asked if the lines were connected to the City water system. Mr. Mele replied they had been connected at 19<sup>th</sup> Street where there were three water meters. Mayor Naugle asked Mr. Mele if he had a copy of the water bill for the property. Mr. Mele advised there was not a separate account until it was set up and buildings connected. However, there would be accounts for the existing three meters, but none were in the name of Venice Homes.

Commissioner Smith understood that when water service was connected, whether water was actually used or not, a bill for \$8 a month was generated. Mayor Naugle believed he was right in that even if there was zero consumption, there was a monthly charge. Mr. Mele was sure there were accounts for all three of the meters, but he did not believe any were in the name of Venice Homes.

Mayor Naugle wondered whose names the accounts were in. Mr. Mele had no idea. Mayor Naugle thought there might not be any accounts. Mr. Mele advised that there were three meters physically present, but he did not know whose name they were in. Mayor Naugle asked who was paying the fixed meter charge. Mr. Mele did not know. Commissioner Smith concluded that the meters were servicing some other property. Mr. Mele believed they served the property to the south, and his point was that the whole system was connected and was in the ground. Mayor Naugle understood that as far as Mr. Mele knew, there was no meter connection in the name of Venice Homes. Mr. Mele agreed that was true. Commissioner Smith thought it appeared they were poised for service but had never followed through.

Mr. Mele stated that people generally did not ask for service until it was needed. He pointed out that water and sewer services were not necessary for vacant property. He thought yet another meter might be necessary, although utilities personnel would know better than he if that were the case. Mr. Mele believed the actual meter being set in the ground was one of the last things done in a development because no one would want anyone else using the water until the proper time. Commissioner Smith said he was trying to figure out if Venice Homes had authorized water service on the property, and it did not sound as if it did. Instead, it sounded as if the owner had laid his own lines and never contracted with the City to connect.

Mr. Mele said that in large-scale projects of this nature, unlike single-family homes, it was typical that the meter was put at the property line and all internal improvements maintained privately. However, that did not mean there was no service. As far as he knew, Venice Homes did not have a meter at this time. Mayor Naugle understood Mr. Mele had made a mistake when he had indicated there were meters in some other name. Mr. Mele advised there was no mistake. He had simply been pointing out that there were three meters in the ground at 19<sup>th</sup> Street.

*Mr. Bob Smith*, Engineer, clarified that there was one meter at 19<sup>th</sup> Street, and it had been installed when there had been one owner with the intent to serve the whole property. The meter was in the name of the Tennis Club.

Mr. Mele displayed the most recent site plan and noted that a history of the site plan had been distributed. He advised that this site plan was being used to obtain permits, and he displayed some renderings of the proposed buildings. Mr. Mele said he had also been asked to display some photographs of another project constructed in Pompano Beach under the same tax credit bond program. That project was called the Oaks at Pompano at Atlantic Boulevard and I-95 with the program operated by the Broward County Housing Finance Authority. He noted that the State had a similar program that involved the same maximum income levels.

Commissioner Smith understood the maximum income allowed was \$23,000 for single people. Mr. Mele believed that was correct, and he thought it was important to know that the income test was only done when someone first moved into the project. Thus, if their incomes rose, they did not have to leave or pass another income test. He felt that was good for young people so they could afford a place initially and could stay as their careers advanced. Mr. Mele displayed photographs of another similar project constructed in Coconut Creek called Banyan Point. He noted that this project had originally been planned as a market rate project with no income limits, but it had been purchased by an affordable housing developer. The only change had been that separate detached garages had been removed from the project, and everything else had stayed the same.

Commissioner Smith inquired as to the age of the Pompano Beach and Coconut Creek projects. Mr. Mele replied that parts of the Coconut Creek project were still under construction, and the Pompano Beach project was about two years old. He advised that there were several more such projects constructed through this particular program, and he had personally worked on similar projects in Davie and Miramar. Mr. Mele understood there had been some discussion about policies surrounding affordable housing, and he felt the proper approach was to disburse it throughout the County, and these projects were occurring in various areas.

Commissioner Smith said the question had related to the concentration of lower-income people in a single project in that someone of greater means would not be permitted to move into this building. Mr. Mele agreed that this government program excluded those who exceeded the income limit when they first wanted to move in, but that was the way it worked, and the developer could not dictate the terms. He noted that over time, as people's incomes grew, they did not have to leave.

Mayor Naugle asked about the roofing material proposed for the project. *Mr. Randy Rieger*, the developer, replied that a three-dimensional architectural shingle would be used. Mayor Naugle understood that meant asphalt shingles, and Mr. Rieger agreed they were high quality asphalt shingles. Mayor Naugle asked if there were drawings available of the project proposed when the property had been platted. Mr. Rieger stated that the rendering had not been modified 1% from when he had acquired the property. He said the only change had been to reduce the number of units from 154 two-bedroom to 150 units of one, two or three bedrooms. Mr. Rieger advised that there had been no change to the site plan or the elevations. Mayor Naugle asked him when he had acquired the property, and Mr. Rieger replied that he had acquired it about a year ago.

Mayor Naugle explained that he was referring to the original plans presented to the Planning & Zoning Board involving a multi-story complex with less surface parking. Mr. Mele agreed that a project approved in 1999 showed eight six-story buildings. That had then been changed at the Planning & Zoning Board meeting to the current plan. Commissioner Smith asked when the project had been changed from a condominium to a rental project. Mr. Mele thought that had been in 1999. Commissioner Smith had the minutes of the Board meeting and they indicated that Mr. Lochrie had indicated the project would consist of a three-story condominium. Mr. Mele agreed that had been the plan at the time. Commissioner Smith wanted to know when the change to the low-income rental project had been approved by the Planning & Zoning Board. Mr. Mele replied that the Board had no jurisdiction over whether the units were owned or rented, although it had approved the change from six-story buildings.

Commissioner Smith said that was the problem he had with this entire project. He felt it needed to go back through the process. Mr. Mele referred to the chronology of the events associated with the property. Commissioner Smith felt that changing from a condominium to a low-income rental project was a major change. He thought everyone understood that, and he wanted to make sure that whatever project developed, it would be positive for the community.

Mr. Mele understood Commissioner Smith's point, but that was not the issue as a matter of law. Commissioner Smith thought there had to have been some procedural flaw. The City Attorney said that as a matter of common sense and courtesy, the change from condominium units to low-income rental units was material. He believed, however, that Mr. Mele and the City's Planning staff had applied the general proposition as a matter of law that local government was not permitted to take into account the form of ownership of the units within a multi-family project during planning or zoning decisions.

Commissioner Smith understood that if a developer wanted to build rental units where they might not be popular, all he would have to do was represent them as condominiums units. He thought there was something seriously wrong with that process. Mr. Mele wanted the Commission to understand that Mr. Rieger had purchased this property after everything had been all done, and he did not want anyone to think his client had changed anything.

Commissioner Smith said he was asking Mr. Rieger to go back through the process. If a lovely project was proposed that would fit in with the community, there would be no problem. He wanted the community to have assurances that safeguards were built in because this was an area that was trying to deal with many problems such as drugs, prostitution and terrible conditions. He wanted this applicant to do the right thing. Commissioner Smith pointed out that a condominium project had been approved, and if something else was desired, the applicant should allow the City's professionals to take a look at it.

Commissioner Moore wanted to thank the developer for coming here today because he did not have to, and he understood the same elevation was being offered. Although the residents would rent the units rather than purchase them, the neighborhood would see the same elevation. He was pleased that someone was finally building some affordable units that would be attractive, and he did not understand the alarm. Commissioner Moore noted that the Planning & Zoning Board did not consider the income level of residents in a project. Rather, it considered the architectural design and the common interests of the community in terms of scale, parking, etc.

Commissioner Moore did not understand Commissioner Smith's concern since this building would look just as it would have looked as condominium units. He was pleased that someone making \$23,000 per year would finally have a decent place to live, start a family and build a future. Commissioner Moore thought this was a means of interesting a developer in providing affordable units that were attractive and desirable due to tax credit programs of this nature.

Commissioner Moore pointed out that the Commission really had nothing to say about this development as it had already been approved and he appreciated the developer's willingness to be here. He had wanted everyone to see the type of development that could be provided that was also affordable.

Commissioner Katz noted that someone had mentioned \$23,000. She had a reporter working for her at one time who made \$23,000, and she was not sure what everyone was so concerned about. Commissioner Katz pointed out that many people, such as secretaries, did not make a lot of money and could be living in this development, but she did not think this Commission should get embroiled in that issue. She understood the Commission did not have much to say about this project from a legal standpoint, and it would be up to the City Attorney to determine if the water and sewer connection was viable. Commissioner Katz did not know what else there was to discuss in this regard.

Commissioner Hutchinson wanted to know what kind of safeguards the community was seeking. She pointed out that the developer was present, and she thought it would be a good idea for the neighborhood to explain what it wanted.

Commissioner Smith was disappointed in Commissioner Moore. He believed the problem was that all the poor people had been required to live in one area in substandard housing, and finally some progress was being made in terms of the Sweeting Estates and Dorsey Riverbend. Houses were being built where people could have pride of ownership, and he did not think poor people should be “corralled” with no mentoring from other economic groups and no integration. Commissioner Smith was concerned about that type of situation occurring in this case, and he was disappointed that Commissioner Moore was not backing him up. He did not think putting poor people in one area was appropriate, and he cited the Housing Authority project as an example.

Commissioner Moore thought it was important to note that the Housing Authority provided housing for the poorest of the poor. Further, those people had to move out if their incomes grew.

*Mr. Doug Blevins*, President of the South Middle River Civic Association, said this neighborhood was on the verge of a renaissance, and there had been a discussion about home ownership in Fort Lauderdale about a month ago. He recalled that Mayor Naugle had indicated only about 56% of people owned their homes, and South Middle River was well over 50% rental density. Mr. Blevins said the neighborhood wanted to support home ownership.

Mr. Blevins said there were many homes for sale in the neighborhood, and he felt pride of ownership was very important. He thought it was also important to recognize the rental density in this neighborhood, particularly on 8<sup>th</sup> Avenue, which was just a block away from this project. Mr. Blevins pointed out that this rental property could have as many as four to six children per household, and this was a perfect opportunity for drug dealers to start a whole new business. He was also concerned about traffic, particularly the cut through of 7<sup>th</sup> Avenue to 19<sup>th</sup> Street. To his knowledge, there had been no traffic study for 19<sup>th</sup> Street and Powerline Road. Mr. Blevins understood the number of units did not meet the criteria for a traffic study, but he thought that if one were performed, it would be “warranted and well-needed.”

Mr. Blevins stated that the owner of four properties on 19<sup>th</sup> Street – Ms. Vivian Dempsey – did not recall ever seeing a notice of public hearing on this project. Therefore, he urged the Commission to revisit the public hearing issue. Mr. Blevins said that this project had gone through many changes and had changed owners, so he felt the community was entitled to another public hearing. He acknowledged that the buildings appeared attractive, but he felt an all rental project, particularly one funded with tax dollars, the public had a right to say, “What goes there.” Mr. Blevins thought that if this project was allowed to proceed, the Commission should reconsider another program for reviewing projects and plans so this did not happen again.

*Mr. Jerry Bellenger*, a resident of the Tennis Club and Vice-President of the South Middle River Civic Association, noted that the developer had indicated that there was access for water and sewer to serve the subject site. However, he did not believe that was the case. He stated that there had been a “friendly” easement with the first developer of the property and the Tennis Club. That easement specified that ingress and egress rights over the property would be granted, and it distinctly specified that only electronic gates could be built on the property. It did not mention utilities at all, and the water line belonged to the Tennis Club. Mr. Bellenger reported that there were two meters, and he received the bills for both.

Mr. Bellenger stated that the water line had never been intended for anything other than Tennis Club property. In fact, he could cut that line tomorrow. He stated that unless Venice Homes went into court and obtained a declarative action from a judge, it would not get access because the Tennis Club would not allow it. Mr. Bellenger thought the developer would have already taken that action if he felt there was a chance of success. He understood Venice Homes had offered a nearby church \$50,000 for an easement, but there was no easement across the Tennis Club property.

Commissioner Hutchinson asked if staff could explain the water easement issue. Mr. Hector Castro, City Engineer, understood there were several access easements, and one was on the west side of the Tennis Club property. Another existed through the Tennis Club parking lot, in which a 6" water main had been built and extended into the Venice Homes property. However, it had apparently been intended to serve the entire property when it had been under a single ownership. He agreed that there were two meters, and they were both in the name of the Tennis Club.

Mayor Naugle understood that Venice Homes had not, at the present time, been able to demonstrate any ability to provide water and sewer services without the cooperation of the Tennis Club. Mr. Castro agreed that from an engineering perspective, the water and sewer services were only for the Tennis Club.

Commissioner Hutchinson could not believe that some agreement could not be reached. She understood the City had no legal basis. Mr. Rieger agreed it would make sense to determine what everyone wanted. Unfortunately, he was not sure what the Tennis Club wanted, and he was required to meet certain income restrictions on the project because of the financing. Mr. Rieger clarified the income guidelines and noted that the majority of the jobs listed on the City's web site would qualify for this housing. He stated that this was not low-income housing. Rather, it was tax credit, work force housing in which residents had to be gainfully employed. Mr. Rieger said his goal was to be a good neighbor, and he was perfectly willing to work with the Tennis Club.

Mayor Naugle thought this seemed to be a private civil matter between the Tennis Club and Venice Homes. He felt the City had been misled when it had been told that condominiums would be built, but there seemed to be no laws that would prevent a change to rental housing. Mayor Naugle did not think this had anything to do with income, but with a lack of home ownership opportunities in Fort Lauderdale. Nevertheless, he did not think the City could do anything about this now.

Mr. Rieger wanted the record to reflect that he had not misled anyone. Further, public hearings and notices had been required acknowledging that this was a rental, tax credit-financed development. In addition, he pointed out that the average price of units at the Tennis Club ranged from \$30,000 to \$70,000, while the cost of the proposed units would be \$99,000 each. Mr. Rieger also pointed out that a plat could not have been approved without utilities servicing the property, and the City had approved the plat.

Commissioner Smith explained that the community wanted market rate housing so people would live there because they wanted to rather than because they had to. He thought Mr. Rieger should restructure the project so there was some market rate housing, or he should agree to go back through the City process. Commissioner Smith felt some compromise was in order.

Mr. Rieger said he and his partner had been in the development business for 30 years throughout the State of Florida, and he was not interested in suing a municipality. However, he did not believe Commissioner Smith's second suggestion was viable because he had already closed on the loan with the State of Florida and Broward County. Insofar as including a market rate housing component, Mr. Rieger advised that he would be happy to work with anyone to acquire some adjoining property for the purpose. Unfortunately, the property was bordered by the Tennis Club, the River and Faith Farm. Commissioner Smith believed there was some property across the street. Mr. Rieger said he would be happy to work with Commissioner Smith, but time was of the essence. Commissioner Moore pointed out that tax credits were provided so that there were opportunities for affordable housing. He thought the community was misreading this entire project.

Mayor Naugle asked that the City Attorney investigate methods of encouraging home ownership, either through incentives or methods used in other communities. Commissioner Smith said he had also asked the City Attorney to try to enhance ordinance so that when projects went through the system, the type of product had to be declared up front. The City Attorney said that he could work on what would constitute a "material change" in a project that had already entered the process or been approved. He was working with Planning staff in this regard. Commissioner Smith added that he intended to work with this developer to see if there was some way to build in some market rate housing. Mayor Naugle encouraged him to do whatever he could, but it did not appear the City could require that the project go back through the approval process.

**Action:** As discussed.

### **I-B – City's Aquatics Complex and International Swimming Hall of Fame (ISHOF)**

A presentation was scheduled on the City's Aquatic Complex and ISHOF. The City Manager noted that the Commission had received written material in this regard, and a preliminary building program and site analysis of the City's Aquatic Complex had been prepared. He explained that there had been considerable study of the issues since recent announcements about the ISHOF facility. The City Manager advised that the purpose of this item was to address the swimming complex.

Mr. Chuck Adams, Beach Redevelopment Manager, introduced *Mr. Marc LaFerrier*, of Keith & Schnars, who provided a Powerpoint presentation. Mr. Adams stated that D.C. Alexander Park had not been part of the assessment performed by Keith & Schnars, but staff had done some initial work in that respect. Mr. LaFerrier introduced members of the project team who were present and explained that four key issues had been analyzed. The first had been a site analysis, and four City-owned properties had been examined – the Alhambra Sebastian Parking Lot, the Oceanside Parking Lot, the South Beach Parking Lot, and the existing Hall of Fame facility.

Mr. LaFerrier stated that the estimated cost to rebuild the pools to meet international competition standards was \$14.2 million, including site work, increasing to about \$19.2 million depending on whether surface or structured parking were provided.

*Mr. Jack Nelson*, speaking on behalf of the coaches, was happy to be at this complex. He wished there would not be a split with the ISHOF, but the team would not be going anywhere even if that occurred.



*Mr. John Shubin*, Attorney for ISHOF, encouraged the Commission to keep these discussions as constructive as possible. He stated that there had been some references in the back-up memorandum concerning the ISHOF that would be addressed by Dr. Freas, but he stated that the ISHOF was concerned about its intellectual property – the trademarked International Swimming Hall of Fame. That was very important, and he planned to be vigilant in enforcing this intellectual property. However, the ISHOF was willing to commence a lengthy dialogue to help the City make its eventual transition with an aquatic complex. Mr. Shubin wanted to make sure that it did not digress into an attack on the integrity of the ISHOF, and he planned to bring any factual inaccuracies to the Commission's attention.

*Mr. Sherman Whitmore* said he was present with his Architect, and he concurred with much of the report. However, he suggested that there was an opportunity for the City to advance not only an international aquatics complex, but to do so without spending taxpayers' money. He stated that he had made a proposal to the ISHOF, which had been declined, and which basically involved building the competition pools, an interactive library and a museum. Mr. Whitmore said that if Alexander Park were combined with the Club Regent property, there was an opportunity to build a magnificent facility. He envisioned a hotel with villas, and \$5 million would be given to the ISHOF, with \$1 million to benefit minority swimming. Mr. Whitmore also suggested the acquisition of R.J.'s Landing for use as open space, and additional municipal marina facilities around the ISHOF.

Commissioner Smith understood Mr. Whitmore had an approved condominium project for the Club Regent property next to Alexander Park. Mr. Whitmore agreed that was correct.

At 3:28 P.M., Commissioner Moore left the meeting. He returned at 3:30 P.M.

Commissioner Smith asked Mr. Whitmore if he was suggesting that instead of building the Club Regent Condominium, he would give that land to the City as part of this project. Then, he would build the facility with all the competition and public pools, the museum, and a library, at his cost if the City would allow him to build a hotel. Mr. Whitmore agreed the idea was to build a hotel on the peninsula with the ISHOF facility. Commissioner Smith understood Mr. Whitmore also planned to give the City \$5 million. Mr. Whitmore agreed that was correct, with \$1 million being set aside in a trust for minority swim programs, and the other \$4 million used for whatever the City wanted, although he wished the City would use it to acquire R.J.'s Landing.

*Mr. Don Zimmer*, Architect representing Club Regent, said he had done a quick study to see if the proposed aquatic center and the units could fit on the property. He had found it could be done, and he displayed a conceptual plan encompassing the Club Regent property, Alexander Park, and the eastern 200' of the ISHOF property, leaving the remainder for the private development. Mr. Zimmer believed two competition pools, a training pool, a diving pool, retail space on the A-1-A size at the ground level, parking, lockers, equipment and press areas, office space, a museum, and a library with two levels above grade. In addition, a pedestrian overpass over Seabreeze Boulevard could be provided to accommodate the pool activity on both sides of the road at that level. Mr. Zimmer stated that the western portion was proposed as a suite hotel with 15 or 16 floors with a maximum height of 150', and villas on the western side to step down toward the water.

*Ms. Shirley Smith*, of the Beach Redevelopment Board, assumed everyone had read Memorandum No. 01-1595, which had been delivered to her on Saturday morning. However, she had not had time to review other documents that she deemed critical to a full understanding of the situation. She particularly wished to see the February 10, 1965 operating agreement between the City and ISHOF. There were also March 8, 1991 and September 10, 1991 amendments to that agreement that she had not reviewed. Ms. Smith noted that Articles of Incorporation and Bylaws, and any amendments thereto, were important documents to review.

Nevertheless, based on Memorandum No. 0-1595, Ms. Smith had reached the conclusion that the State owned the land on which the aquatics center was located. The City had the right to use that land and owned all the buildings and improvements on the land. Further, the City paid for maintenance and utilities for the museum, and ISHOF was provided rent-free use, and the City arranged 100% of the events. Ms. Smith acknowledged that ISHOF assisted with national and international events, but that related to only 5% to 10% of the events and their economic impact. She stated that ISHOF's signature event was the annual induction ceremony, and its primary function was to fund and operate the museum through 2015. Ms. Smith believed that if ISHOF failed to fulfill that obligation, the City would probably be entitled to damages for breach of the contract and obtain a judgment ordering ISHOF to perform its contractual obligations.

Ms. Smith thought that if other parties, such as the City of Hollywood or Swerdlow Entities, induced ISHOF to breach its contract with Fort Lauderdale, she thought the City might have a cause of action against those parties for interference with contract relations. Ms. Smith understood ISHOF was currently entitled to 75% of net revenues from parking activities at the City's aquatic complex, but the City could terminate that arrangement with 90 days notice. In light of the ISHOF's recent press release announcing it had decided to move to Hollywood, Ms. Smith thought the City should terminate that parking arrangement, retain all funds collected after termination, and require ISHOF to transfer the 10% parking reserve fund to the City.

Ms. Smith believed the City could operate the aquatic complex without ISHOF or a successor entity. She did not think it was clear in the trust fund document whether or not the City would have to maintain a museum on the property but, if necessary, she was confident the City could do so in order to avoid termination of the land grant. Ms. Smith believed the City could legally use the name "Swimming Hall of Fame" for its aquatic complex.

Ms. Smith wondered why the Swimming Hall of Fame, Inc. had been formed rather than the City directly undertaking everything now done by the City and ISHOF. She also wondered if the contents of the museum had been donated to or acquired by ISHOF or if some were acquired by the City. She asked if the City was entitled to all or any part of the contents of the museum in the event of dissolution of ISHOF. Ms. Smith inquired as to whether or not the agreement between the City and ISHOF specified that ISHOF would maintain the museum on the aquatic complex property. She was interested in the operations and leasing activities that determined the City's 25% of net revenue, and she wondered if the City had audited ISHOF's financial statements on a regular basis to determine if it was receiving all the money it was supposed to receive. Ms. Smith also wondered how ISHOF had reached the position that it thought the City's aquatic complex was its own.

*Dr. Sam Freas*, of ISHOF, stated that Memorandum No. 01-1595 was flawed. He was surprised that legal staff had not reviewed this document. Dr. Freas said that ISHOF had been a good corporate partner with the City for over 35 years. He stated that because of ISHOF, hundreds of television shows, countless national and international events had made Fort Lauderdale an international travel destination for the swimming community. Dr. Freas felt the intrinsic value of the ISHOF was something that lay in the hearts and minds of the international swimming community.

Dr. Freas acknowledged that the City could build new pools and bring in other organizations, but the value of the ISHOF was priceless. He felt the City should be embarrassed by this document because it was so inaccurate. Dr. Freas said that ISHOF wanted to work everything out, but an announcement had been made that it would move to Hollywood because City staff no longer wanted the organization in Fort Lauderdale.

Dr. Freas said that the name "International Swimming Hall of Fame" was owned by ISHOF. He said that the memorandum would have people believe that there was no net benefit to the City but over \$1 million had been spent between 1988 and 1991 by the ISHOF to raise \$7 million for the City. He pointed out that the number of events listed in the memorandum was true, and the ISHOF did not get involved in 90% of the meets, which were high school events. However, ISHOF was actively involved in the majority of the meets that had profound economic benefit to the City.

Dr. Freas stated that City staff had left out a very important part of the State lease language. He referred to item 3 on page 4 of the memorandum in which part of the lease was quoted. Dr. Freas reported that the word "the" had been left out just before "Swimming Hall of Fame." He found that curious and hoped it had just been a mistake because it was important. He felt the intent of the memorandum was to make the ISHOF appear worthless in the eyes of the media and the public, and that was absolutely wrong. Dr. Freas said that the ISHOF was a great institution, and it was waiting for an amicable process to take place.

Dr. Freas thought it was important for the City to state facts accurately. He said the memorandum contained two "falsehoods." He felt everything could be worked out, but he did not think the City should defame ISHOF or try to steal its name.

Mayor Naugle agreed with Dr. Freas that the document had been altered, and the Commission relied on information from staff to be accurate. Commissioner Smith did not think that leaving out the word "the" from the quote had caused any material change. Mayor Naugle felt that when something from a legal document was quoted, it should be quoted accurately.

Commissioner Smith said he had met with Dr. Freas and Mr. Sam Forrester, Chairman of the Board, about a week ago just before the announcement had been made that the ISHOF wanted to go to Hollywood. He had tried to convince them it would not be in their best interests, but they felt otherwise. Commissioner Smith had asked them to announce their decision because Fort Lauderdale needed to move ahead with its own plans. The ISHOF had done so, and Commissioner Smith appreciated it. He felt the two parties should part as friends, and he thought South Florida could support two such facilities for the international swimming community.

Commissioner Smith stated that he wanted the City and the ISHOF to part as friends and colleagues. He thanked the ISHOF for all its years of service in Fort Lauderdale and wished everyone well. He also hoped the ISHOF would follow its plans with due haste so the City could rebuild its facility. Commissioner Smith wanted to make it clear that ever since the first meeting about the Birch Las Olas Lot, this elected body and indicated it wanted the ISHOF to stay in Fort Lauderdale. He understood the ISHOF had to make its own business decisions, but he felt the Commission had done its best to keep the entity in Fort Lauderdale.

Commissioner Smith hoped the Commission would support a process to rebuild the aquatic complex today. He believed Fort Lauderdale could have a state-of-the-art facility with all the newest ideas and events, as well as a museum. Commissioner Smith was glad that it could still be known as the Fort Lauderdale Swimming Hall of Fame, and he liked the plan Mr. Zimmer had discussed. He felt trading a condominium for a hotel was a good idea. Further, the developer was willing to provide a \$15 million facility and contribute \$5 million to the City as well. Commissioner Smith saw no reason to wait.

Mayor Naugle thought there was still a question about whether or not the public wanted more development on the beach but, even so, a public bidding process would be necessary. Commissioner Smith did not think that was necessary because the property was within the CRA. Mayor Naugle recalled discussion that an RFP would be required. Commissioner Smith noted that the City had agreed to contribute \$500,000 to the ISHOF for kiosks, etc., and that action could not be furthered. He also felt the City should recoup its parking revenue as another source for construction of a new facility.

Commissioner Moore agreed with almost everything Commissioner Smith had said and offered his "goodbyes" to the ISHOF. He felt the organization had done an excellent job, but since it had made a decision to take the best deal for its purposes, he hoped the City would do the same. Commissioner Moore thought the 90-day notice of termination of the parking arrangement should be given today so those revenues would start coming to the City. He also wished to understand the auditing process relating to the parking revenues over the past three years.

Commissioner Moore referred to the reserve funds and wondered who would receive those monies once the parking arrangement was terminated. He also agreed with Mayor Naugle that some type of bidding process would be necessary if the public property were to be developed, but he thought the document could be worded to include a \$15 million investment and a \$5 million stipend for programming. Commissioner Moore also thought a "short window" should be provided for the RLI in order to move expeditiously in the next 45 to 60 days. Insofar as hotel or condominium development, Commissioner Moore had no preference.

Mayor Naugle did not support further development on the peninsula, but before anything could be done, there would have to be some indication from the State that it would be willing to consider some sort of development. He thought it would have been simple if a swap north of Las Olas Boulevard had been the case, but it could take more time if some other parcel was proposed. Therefore, some groundwork would be necessary. Mayor Naugle suggested that the Beach Redevelopment Board be asked to consider the different options and provide the Commission with a recommendation. Commissioner Moore understood Mayor Naugle's viewpoint, but he thought an RLI contingent upon a decision by the State would be in order.

Commissioner Katz agreed the City would have to go to the State and explore the possibilities. Further, interests in Alexander Park would also have to be explored in terms of a swap. She wondered about the possibility of combining some TIF money with that of a private developer and then lower the density on the island.

Commissioner Hutchinson said she had seen the plan detailed earlier by Mr. Zimmer before this meeting, and she was intrigued. She was not sure how the community would feel, but she believed the community was anxious to rebuild the aquatic complex and keep the facility in tip-top shape to continue to secure meets. Commissioner Hutchinson was interested in how the State felt about all this before going any further with any groundwork.

Commissioner Smith believed the City had been assured on numerous occasions that the State would not have a problem with some private development, although he did not want a lot of private development. He felt one 15-story hotel would be appropriate, however, on the peninsula. In fact, he envisioned it playing an active role in the Hall of Fame, and he would not object to a few condominium units on the top floors if that were necessary. Commissioner Smith thought the City should approach the State and the representatives of Alexander Park right away.

Mayor Naugle wanted to see D.C. Alexander Park remain as open space and the swimming complex remain on the peninsula. He did not know how today's economic climate would affect the entire idea, and he hoped the City pursued rebuilding the Hall of Fame on the peninsula and leaving Alexander Park as it was now. Mayor Naugle felt this relief was necessary in light of the density on the beach.

Mayor Naugle did not support the idea of giving notice on the parking arrangement at this time, but it appeared there might be a majority that did. Commissioner Katz thought that if an RLI was going to be released, it was necessary to ensure the respondents had the financial wherewithal to proceed to completion. Mayor Naugle thought the Beach Redevelopment Board should discuss this whole concept before any decisions were made. Commissioner Katz believed the Board had already indicated a willingness to go ahead. Mayor Naugle believed the Board had supported the idea of rebuilding the aquatic complex, but it had not reviewed this particular proposal. Commissioner Smith advised that the Board had reviewed a similar proposal.

Commissioner Moore thought that if the RLI process was pursued simultaneously, the Board would have an opportunity to review any proposals submitted. He felt the process would allow everyone to have input, and he thought issues involving the State would be addressed through that process as well.

The City Attorney advised that while the Commissioners could make their feelings known now about the parking arrangement with the ISHOF, formal action would have to be taken at the Regular Meeting this evening.

Commissioner Hutchinson understood ISHOF was moving on, and it made no sense to her to continue to give that entity parking revenues. Mayor Naugle was not so sure anything would ever happen in Hollywood, and he thought it was possible the ISHOF might decide to stay. He had no doubt that the City would have a great international aquatic complex, but the Museum would continue to operate over the next three or four years. In any case, he understood a motion in this regard would be presented at the Regular Meeting this evening.

Commissioner Moore was concerned about the money that had been pledged to the ISHOF for its portable museum. The City Manager stated that the City had not yet executed that agreement, and no money had yet been sent to the ISHOF. Commissioner Moore asked if this commitment could be rescinded. The City Manager believed action to that effect could be taken this evening as well. Mayor Naugle believed the agreement had been fully executed. The City Attorney had been advised that the agreement had been executed, but it had not been acted upon yet. If the Commission wished to rescind the agreement to provide this grant, he felt it could be done as it was in the nature of a gift.

Commissioner Smith doubted the ISHOF wanted to accept to take \$500,000 from the City now that it had decided to move to Hollywood anyway. Mayor Naugle believed there was an amortization clause in the agreement in that the money would be repaid if the ISHOF did not perform. Commissioner Smith pointed out that the ISHOF had officially announced its intent to move out of Fort Lauderdale before the money was delivered. He did not think it wanted that money anyway.

Dr. Freas stated that there was a signed agreement, and the ISHOF had done some things, and many of the plans were life-saving and water safety oriented. He felt there should be a film made to teach young people how to deal with certain situations, and doing so had been the intent.

Commissioner Moore planned to bring this item up this evening at the Regular Meeting for reconsideration. He did not think anyone would have any problem with the City retracting its offer of a half million dollar gift to the ISHOF.

Commissioner Smith took issue with Mayor Naugle with regard to open space at Alexander Park. He felt it created fear within the community when he suggested that the open space would not be retained for public purposes. In fact, the idea was to provide a public pool that would be used much more than the existing grassy area, which was rarely used. Commissioner Smith wanted to make it clear that no one was talking about removing the open space, but enhancing it for public use.

Commissioner Smith asked Commissioner Moore to restate the items that would be presented for formal action this evening so everyone would be clear. Commissioner Moore said he intended to move that 90 days notice be given with respect to terminating the parking revenue sharing arrangement with the ISHOF. He also intended to move that the half million dollar gift to the ISHOF be rescinded.

Commissioner Smith felt the Commission should also agree to begin a new process to rebuild the facilities and go to the State and representatives of Alexander Park to move towards an RLI. Commissioner Moore had no objection to that idea, and he also wished to offer a resolution in recognition of the ISHOF for everything it had done for the City in the past. It was agreed.

Mayor Naugle wished Commissioner Smith would not accuse him of fear mongering when he expressed his opinions. He did not object to Commissioner Smith expressing different points of view, but he did not think he should make personal attacks on him for his opinions. Mayor Naugle felt Alexander Park was currently open space as was the facility on the peninsula, and a 15-story tower would significantly change that beautiful view corridor. Commissioner Smith said he felt it was fear mongering that should not go on. Mayor Naugle thought the 2003 campaign for Mayor had already started.

**Action:** As discussed. Formal action to be taken at Regular Meeting.

At 4:21 P.M., the meeting was recessed. It was reconvened in the Conference Room at 4:32 P.M.

Mayor Naugle announced that the City Commission would meet privately regarding litigation strategy in connection with the following cases:

Michael G. Smith v City of Fort Lauderdale (Worker's Compensation Claims WC-97-9302, WC-98-9897, WC-99-10016); and  
City of Fort Lauderdale v Coolidge-South Markets Equities, L.P. (Case No. 00-1-449[08]).

At 4:32 P.M., the meeting was recessed. It was reconvened at 5:15 P.M.

**II-C – Proposed Street Closure – Southeast 6<sup>th</sup> Street between  
Southeast 3<sup>rd</sup> Avenue and Southeast 1<sup>st</sup> Avenue – Broward County Courthouse**

A report was presented on the status of the request for the proposed street closure for Southeast 6<sup>th</sup> Street, between Southeast 3<sup>rd</sup> Avenue and Southeast 1<sup>st</sup> Avenue, adjacent to the Broward County Courthouse.

At 5:16 P.M., Commissioner Moore left the meeting. He returned at 5:18 P.M.

The City Manager introduced *Judge Charles Green*, who was present on behalf of the occupants of the Courthouse. The City Manager explained that since the terrorist act of September 11, 2001, various security measures had been undertaken. One had involved the closing of Southeast 6<sup>th</sup> Street adjacent to the Courthouse, which was still closed. He advised that Judge Green had sent a letter indicating that a permanent closure of the road was requested. The City Manager explained there were several steps involved, not the least of which was the County bearing any costs and changes to traffic patterns to accommodate the closure.

The City Manager advised that concerns had been expressed about this closure, and he had informed the County that the City was considering reopening the street. He stated that he was as concerned about security at the Courthouse as he was about security at City Hall or any other governmental facility. However, he was not sure closing streets was the most effective means of providing that security. It was his understanding that similar measures had been taken on the heels of the Oklahoma bombing, but he did not know if closing streets was that effective.

Mayor Naugle noted that when the City considered permanent street closures, public hearings in the evening were typically scheduled in order to obtain public input. Therefore, this discussion was intended as an informal conversation about whether or not such a public hearing should be scheduled.

Judge Green explained that he was the Chair of the Courthouse Security Committee, and he favored closure of Southeast 6<sup>th</sup> Street. He stated that a security survey had been conducted by the Broward Sheriff's Office and the United States Marshal's Office after the Oklahoma bombing, and the events of September 11<sup>th</sup> had prompted the closure of the street. Judge Green stated that the Security Committee had unanimously voted to seek permanent closure of 6<sup>th</sup> Street.

Judge Green said that it was not just a matter of potential terrorist activities. He explained that there could be people who were angry with judges for various decisions, and there was a secondary issue of safety when vehicles and pedestrians mixed. Judge Green noted that Publix was scheduled to open at the corner of 6<sup>th</sup> Street and Andrews Avenue, which would not help the situation in terms of pedestrian safety. He said that there were thousands of people accessing the Courthouse at the 6<sup>th</sup> Street entrance and, although it might cause some hardship, he felt that had to be balanced with security needs.

Judge Green reported that Dade County was seeking the closure of streets adjacent to its Courthouse, and Tallahassee was considering similar security measures in areas immediately adjacent to courthouses throughout the State. Therefore, this was not just a local issue but one that would be addressed throughout the State and probably the nation. He pointed out that streets surrounding the State Capital had been closed.

*Mr. Neal Seltzer*, representing business owners in the subject area, pointed out that the only way to defeat terrorism was to live normally. He stated that there were 101 courthouses in Florida, and there was not one with a closed street. Mr. Seltzer understood that some judges felt they had security concerns, but he did not think closing the street would prevent anyone from walking into the building and detonating an explosive device. He felt that closing the street only provided a false sense of security, and he pointed out that streets had not even been closed in New York City. Mr. Seltzer understood that people felt safer crossing the street without the vehicles, but there had not been a single pedestrian hit by a car on this street since 1975.

Mayor Naugle thought it appeared there would be much debate on this issue. He suggested that the District Commissioner sit down with representatives from the Sheriff's Office, the Judges, the Police Department and affected property owners to come up with a recommendation to consider at some future date. He understood a traffic study would be completed in 5 weeks. Commissioner Hutchinson did not want to wait that long and preferred to consider this issue on November 6, 2001 after she sat down with everyone involved. She did not think there should be parking in front of the Courthouse building, but she felt closing the street only provided a false sense of security because someone could drive up to the building at the rear anyway.

Commissioner Moore did not agree with the concept of closing the street either, although parking was another issue. He pointed out that if this street was closed, then the same argument could be made for closing the streets around City Hall and other governmental facilities. Commissioner Moore did not think any false hope should be offered by considering the idea either. Commissioner Hutchinson said her personal opinion was that the street should be reopened, but she did not want to shut anyone out of the process.



Commissioner Katz felt strongly in the other direction. She pointed out that barricades had been put up around the White House, and she felt some precautions were in order. Commissioner Katz agreed everyone should go on about their business, but she did not think they should do so as if nothing had happened. Something important had happened, and she felt everyone should be alert and aware. Commissioner Katz thought a pedestrian walkway with trees and landscaping would be lovely and effective, and people would still be able to walk across to the businesses. She felt it would be advantageous for everyone to sit down and discuss the idea.

Commissioner Smith thought that if there were differences of opinions, he was prepared to listen to input during a public hearing, but he wondered how the Police Chief felt about the issue. Chief Roberts understood there had been some previous discussions in which he had not been involved, but he had some concerns about this closure. For example, he wondered about 3<sup>rd</sup> Avenue. He felt a traffic study was in order, and he would have to examine all the issues in greater depth.

Commissioner Hutchinson acknowledged Commissioner Katz's point, and she felt everyone's lives had changed tremendously as a result of the events on September 11, 2001. However, everyone was trying to get back to some semblance of normalcy. She pointed out that there were metal detectors at the Courthouse, although anyone could just walk into City Hall. There was only one way into the Courthouse but, up until Friday, there were just "Bob's barricades" and empty police cars on site. She did not feel that was any sort of protection, and it did not make her feel safe. Commissioner Hutchinson wanted to hear about plans for security.

Commissioner Smith said he would defer to Commissioner Hutchinson as to whether or not there should be a public hearing on the matter after she had met with everyone involved. Commissioner Moore concurred. Mayor Naugle thought there might be a way to shift traffic around the courthouse with pedestrian crosswalks. He wondered if there was consensus to let a committee meet before taking any further action in this regard. It was agreed. Commissioner Smith felt the street should be opened in the meantime. Commissioner Moore did as well. Mayor Naugle thought it might be best to come up with a plan first.

Commissioner Katz pointed out that the Commission would be considering the closure of 24 streets at the Regular meeting this evening for safety purposes. She thought the committee should meet before deciding on any action. Mayor Naugle agreed everyone should sit down and work out a plan that could be considered.

Commissioner Moore said he had been out of town, but he understood a suggestion had been made that everyone spend the weekend at the beach to spur the economy. He did not feel the businesses that had been impacted by this closure should have to continue to be impacted, particularly since the street had been closed without any input. He felt that if the situation was to be evaluated, the situation should be returned to its original state first. Commissioner Hutchinson thought the parking in front of the Courthouse should be blocked off temporarily in the meantime. Commissioner Moore had no objection to that, but he felt the roadway should be reopened now. Commissioner Hutchinson wondered where the funding would come from, and Commissioner Moore pointed out that parking revenues would be lost as well.

The City Manager said this matter had been scheduled for Conference discussion out of respect for the judiciary but not to forego the formal public hearing process. He thought the City could move forward to remove the parking in front of the Courthouse, although there would be some revenue loss. He advised that improvements to other roads would have to be funded by the County, however. The City Manager said that this had all been set forth in a letter to the County in the event of a permanent closure of 6<sup>th</sup> Street.

At 5:42 P.M., Commissioner Moore left the meeting.

The City Manager pointed out that the new grocery store would also be generating traffic in the area, but he felt he had a sense of the Commission. He said he would try to facilitate a meeting with all the affected parties and, at the same time, reopen the street minus the parking directly adjacent to the Courthouse. Commissioner Smith hoped it could be done in some attractive manner. Commissioner Hutchinson agreed. The City Manager thought something decorative could be provided.

The City Manager understood the Commission wanted to proceed with a public hearing in this regard, and he believed the earliest that could be scheduled would be November 20, 2001 due to notice requirements. Commissioner Smith thought simply removing the parking might be a sufficient solution so a public hearing might never be necessary. Commissioner Moore thought the Judges could find sponsors to beautify the street, perhaps with potted plants to keep vehicles from getting too close to the building.

**Action:** Road to be reopened tomorrow with parking removed as discussed.

#### **OB – Parking Enforcement in Historic District**

Commissioner Hutchinson noted that a Friday memo had been distributed some time ago about parking in the Historic District on 2<sup>nd</sup> Street, and Code Enforcement personnel had been sent out. However, she felt that action had been hasty because parking lots associated with buildings had not been taken into consideration, and the situation had turned into a “war.” Commissioner Hutchinson suggested that those citations be “put on hold” so she could meet with the 2<sup>nd</sup> Street merchants to figure out the best way to deal with the situation and eliminate some of the surface parking lots that were not allowed. It was agreed.

**Action:** As discussed.

#### **V – City Manager Reports**

##### **1. Fort Lauderdale Marketing Campaign**

The City Manager said that in an effort to encourage tourism, the Commission had challenged him to come up with some ideas to generate renewed interest in the beach and downtown areas. He advised that Mr. Witschen had been working with a group. Mr. Witschen noted that the Convention and Visitors Bureau had an intensive campaign underway, and the intent was to increase “heads in beds” in Fort Lauderdale. He explained that the idea was to kick off the campaign with an event starting on Friday with packaged events and discounts. Mr. Witschen requested \$25,000 in “seed money” to work with the industry and advertise the promotions and packages.

Commissioner Moore hoped that the hotels and other tourist-related businesses would retain their employees.

*Mr. Mike Grimme* said that he owned and operated several hotels in the beach area, and it had helped a great deal when Mayor Naugle and Commissioner Smith had stayed at the beach last weekend and encouraged others to do the same. However, more help was needed to keep the momentum going. Insofar as employment was concerned, it was a problem. Mr. Grimme stated that hotel operators were trying to keep their employees and did not want to lay anyone off, but everyone was having trouble meeting their mortgage payments. Nevertheless, the Boat Show and the holidays were coming up, but it was a matter of survival.

Mayor Naugle appreciated all the efforts of the hotel operators.

**Action:** None.

#### **OB – Compensation of City Manager, City Attorney and City Clerk**

Mayor Naugle wished to consider the compensation of the City Manager, City Attorney and City Clerk at the November 6, 2001 Commission meeting. He advised that some optional forms could be used, or the Commissioners could meet with those individuals privately if they wished.

**Action:** Subject to be placed on November 6, 2001 agenda.

#### **I-E – Project 10273 – Northeast 18<sup>th</sup> Avenue Roadway Improvements from Commercial Boulevard North to the City's Corporate Limit**

A presentation was scheduled on the conceptual plan for the installation of medians and landscaping on Northeast 18<sup>th</sup> Avenue from Commercial Boulevard, north to the City's corporate limit. The City Manger advised that some direction from the Commission was necessary in this regard.

Mr. Dennis Girisgen, Engineering Division, explained that consensus had been reached in the community on the alternative involving four lanes and medians with landscaping and trees. The Commission supported this conceptual plan.

**Action:** Approved.

At 5:59 P.M., the meeting was recessed. It was reconvened at 9:23 P.M.

#### **II-A – Proposed Temporary road Closures and Maintenance of Traffic Plan – Northside Elementary School Construction Project**

A report was presented on the proposed temporary road closures and detour routes (in excess of 30 days) requested by the School Board of Broward County to support the Northside Elementary School construction project. As the district Commissioner, Commissioner Smith had no objection to this proposal.

**Action:** Approved.

## **II-B – Parks General Obligation Bond (GOB) Quarterly Report – Third Quarter 2001 (July to September)**

**Action:** Deferred to November 6, 2001.

### **OB – AT&T Broadband**

Commissioner Katz wondered how the action taken at the Regular Meeting with respect to AT&T left the situation. The City Attorney advised that there was a process mandated by federal law for non-renewals. Mr. Bruce Larkin, Director of Administrative Services, said he could submit a written report in that regard. At this point, he thought the existing contract could continue to be renewed on a month-by-month basis. He said that staff could go back to the negotiating table based on the Commission's desires. Mayor Naugle also desired a report about legal action to enforce the previous contract and about taking over the system as provided in the franchise.

**Action:** Staff to provide reports.

## **I-C – Preliminary Five-Year Capital Improvement Plan (CIP) – Fiscal Years 2001 to 2006**

**Action:** Deferred.

### **IV – City Commission Reports**

#### **1. Public Records – Personnel Files**

Mayor Naugle was concerned about an article in today's newspaper about public records as they related to personnel files requested of the City. He asked if the City was, in fact, keeping two sets of personnel files. The City Manager advised that he would provide a report. He noted that there could be personnel actions in as many as four or five different files in different departments such as Personnel, Employee Relations, Risk Management, and Accounting. The City Manager believed the allegation was that against the opinion of the Attorney General rendered in 1994, the City was continuing to either purge records or operate contrary to that opinion. He had not yet had time to personally investigate the issue, but he planned to prepare a response.

Mayor Naugle asked if requests for files were fulfilled. The City Manager replied that files were provided less certain information that the City was not permitted to release, primarily with respect to police personnel, as supervised by the City Attorney's Office. Mayor Naugle asked if there were separate files in the Risk Management office. Mr. Bud Bentley, Assistant City Manager, stated that there were not separate files for disciplinary action.

Mayor Naugle asked if complete files were released upon request or if there was additional information that was contained in other information. Mr. Bentley stated that there were different files in different departments and locations. Mayor Naugle thought the City should provide a list of the different files that could be requested when people requested personnel files. He felt people should have access to complete files. The City Attorney stated that the Commission would receive a full and complete report in this regard.

**Action:** Staff to provide report.

## **I-D – Project 10174 – Interim Report on the Public Administrative Programs (City Hall) Space Planning and Feasibility Study**

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A discussion was scheduled on the interim report on the public administrative programs space planning and feasibility study. Mr. Pete Sheridan, Assistant City Engineer, introduced Mr. Wayne Jessup, Architect, and *Mr. Robert Cartaya*, Consultant. Mr. Jessup stated that a site analysis, a space planning analysis, and a funding analysis had been performed with regard to the subject facilities – particularly City Hall and the One Stop Shop. He advised that the age of City Hall was one reason for consideration being given to a new facility, the costs of maintaining an older facility, energy efficiency, and hurricane concerns.

Mr. Cartaya advised that existing facilities had been examined, and the City owned about 84,000 square feet of office space and leased about 22,000 square feet for a total of 106,000 square feet. He noted that the University of Kansas' Office Space Standards had been utilized in this study.

Mr. Sheridan said that staff was seeking approval to move forward with adopting the space requirements and looking at 139,000 square feet of potential future space for City Hall. In addition, adoption of the site matrix was sought so all 24 sites could be analyzed and a short list of sites created for presentation to the Commission at a later date. Mr. Sheridan pointed out that a host of funding options could be explored, and staff was seeking Commission approval of the One-Stop Shop space planning in order to move forward with design and implementation of that facility at the Lincoln Park site.

Mayor Naugle had examined the University of Kansas' Office Space Standards, and he had found it too lavish. He thought 80% of that standard would be more appropriate, particularly in today's business climate, in order to reduce costs by 20%. Mr. Sheridan was concerned about an arbitrary reduction of office space due to the functionality of the spaces. Mayor Naugle said he would like to go through it in detail because what people might like and what they could live with were not necessarily the same. He felt this was the wrong time to go into an "office expanding mode."

Mr. Sheridan stated that the increase in the space was not so much for office space but for public areas, such as larger meeting and conference rooms. Mayor Naugle saw no need for conference rooms all over the place that were not used all the time. He pointed out that teleconferences were a possibility, and he thought more meeting rooms would just result in more meetings. Mayor Naugle felt this was excessively luxurious and excessively lavish.

Commissioner Smith thought this was a good approach. He felt this was a "wish list" that everyone expected would be cut back by the Commission. Commissioner Smith was sure the Commission could go through it office by office, but he felt government should continually be challenged to be smaller, tighter and more efficient. He said that if Mayor Naugle wanted to challenge staff to reduce it to 80% of this standard, he would be supportive.

Commissioner Moore stated that two Commissioners had been “jockeying” for space for meetings at City Hall just last evening. He thought it was easy to comment on this type of study, but the day-to-day operation of this public entity was complicated. Commissioner Moore thought everyone was bumping into each other trying to find meeting space. He pointed out that input had been obtained from numerous individuals and groups during this study. Commissioner Moore did not know if this “wish list” was entirely appropriate at this point, but he did not want to set an arbitrary reduction. He felt greater efficiency was necessary, and he thought everyone would agree the City was spending too much money leasing office space.

Commissioner Moore wondered why the Kansas standard had been selected. Mr. Cartaya advised that standard had been examined, but other standards had also been applied. He noted that most of the offices ranged from 64 square feet to 150 square feet, and the exceptions applied to the City Commission. Mayor Naugle did not believe that was true. He thought the Assistant City Managers and Department Heads, etc. had larger offices. Mr. Cartaya agreed that in some cases, a need had been determined for a small conference table in department directors’ offices.

Commissioner Katz believed this was just a general idea, and things would change as the process progressed. She felt there was a need to look at the bigger picture in terms of leasing or buying and location. Commissioner Katz imagined there would be a lot of space available downtown in the future, for example, and there were probably many options. Commissioner Smith agreed there were larger issues than just office space.

Mr. Sheridan stated that this was a program to provide a general size from a space-planning standpoint and site location. He said that if the detailed design moved forward, it would show office space, corridors, etc., but this was just a program standpoint addressing potential future needs. Mr. Sheridan felt this was a good approach to provide a general programming element before moving forward with site analysis and funding options.

Commissioner Moore believed the whole reason consultants had been hired had been to prevent people from “jumping up and saying I think” so some scientific methodology would be utilized. Mayor Naugle said he would just feel more comfortable if it was less lavish. Commissioner Smith did not feel the Commissioners and department heads needed larger offices, and he felt a conservative approach should be taken to office space.

Commissioner Katz referred to the conclusions and recommendations. She noted that there were a few buildings downtown that had recently gone into foreclosure. Mayor Naugle agreed “distress sale” situations should be explored. Mr. Sheridan noted that much of the increased space did not involve offices, but record and file storage areas. Commissioner Smith hoped only necessary files were being kept on paper rather than on disk or other medium. Mr. Sheridan was fairly confident that only necessary files were stored. He explained that the difficulty related to retrieval as required.

Mayor Naugle inquired about the number of conference rooms now and how many were proposed. Mr. Sheridan noted that conference rooms were not just used for meetings. Mr. Cartaya advised that there were 18 conference rooms now, and 19 conference and training rooms were being suggested. He stated that the square footage was being increased from approximately 5,000 square feet to about 6,000 square feet.

The City Manager explained that staff was seeking Commission approval to move, within bounds, to the next step. He stated that there would be ample time for Commission review and examination, but it was necessary to move forward with the One-Stop Shop. Commissioners Moore, Smith and Hutchinson supported that idea. Mayor Naugle wanted to move forward carefully and recognize the difficulties being experienced by citizens and businesses now. He also thought consideration should be given to having two buildings rather than one large building.

**Action:** Approved as discussed.

**OB – Police and Firefighter Survivor Benefits**

Commissioner Hutchinson asked that the issue of police and firefighter survivor benefits be placed on a future Conference agenda.

**Action:** Subject to be placed on future Conference agenda.

Meeting adjourned at 10:06 P.M.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.